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ANTONELLI, TERRY, STOUT & KRAUS, LLP  
1300 NORTH SEVENTEENTH STREET  
SUITE 1800  
ARLINGTON, VA 22209-9889

EXAMINER

COLBERT, ELLA

ART UNIT PAPER NUMBER

3624

DATE MAILED: 12/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/459,342

Applicant(s)

SAMESHIMA ET AL.

Examiner

Ella Colbert

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 11, 14, 17-20, 22, 23, 27 and 29-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11, 14, 17-20, 22, 23, 27 and 29-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 11, 14, 17-20, 22, 23, 27, and 29-38 are pending. Claims 11, 14, 18, 20, 22, 27, and 29-37 have been amended in this communication filed 09/30/04 entered as RCE.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/30/04 has been entered.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 11, 20, 29, 31, 33, and 35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11, page 3, lines 4-14 and lines 18-21 and page 4, lines 1-4 recite "storage means for pre-storing said plural items of pre-stored information, and plural sets of pre-stored data for respective ones of said plural items of pre-stored information, each one of said plural sets of pre-stored data including pre-stored event information of an event representing a change of situation in or related to said plural items of pre-stored

Art Unit: 3624

information, said event triggers distribution of said plural items of pre-stored information upon detection, ....; ... ; transmission means for, upon detection of occurrence of said event by said detection means, transmitting via said transmission media, one of said plural items of pre-stored information identified by said identification data corresponding to said pre-stored event information of said one of said plural sets of pre-stored data to one of said plurality of information destination devices ...". The metes and bounds of the claim language cannot be determined. The claim language as written is very confusing and unclear as to what Applicants' are trying to claim as their invention. Claims 20, 29, 31, 33, and 35 have a similar problem.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 11, 14, 17, 18-20, 22, 23, 27, and 9-38 rejected under 35 U.S.C. 102(b) as being anticipated by (US 5,655,079) Hirasawa et al, hereafter Hirasawa. The claims have been given the broadest reasonable interpretation with respect to the breadth and lack of clarity in the claim language of the independent claims.

With respect to claims 11, 20, 29, and 31, Hirasawa teaches, an information transmission device for transmitting plural items of pre-stored information via transmission media to a plurality of information destination devices the information transmission device comprising: storage means for pre-storing the plural items of pre-

stored information and plural sets of pre-stored data for the plural items of pre-stored information, each one of the plural sets of pre-stored data including pre-stored event information indicative of an event representing a change of situation in or related to the plural items of pre-stored information, said event triggers distribution of said plural items of pre-stored information upon detection, identification data for identifying one of said plural items of pre-stored information to be transmitted in response to detection of occurrence of the event, and transmission destination data indicative of one of the plurality of information destination devices to which a corresponding one of the plural items of pre-stored information is to be transmitted; detection means for detecting whether an event corresponding to pre-stored event information of one of said plural sets of pre-stored data pre-stored in said storage means has occurred and transmission means for upon detection of occurrence of the event by the detection means, transmitting via the transmission media one of the plural items of pre-stored information identified by the identification data corresponding to the pre-stored event information of the one of the plural sets of pre-stored data to one of the plurality of information destination devices that is designated by the transmission destination data corresponding to the pre-stored event information of the one of the plural sets of pre-stored data (col. 1, lines 48-56, col. 2, lines 4-12 and lines 54-67, col. 4, lines 11-67, col. 5, lines 26-67, and col. 7, lines 10-57).

With respect to claim 14, Hirasawa teaches, wherein said event is a modification of at least one of the plural items of pre-stored information (col. 11, lines 1-12).

This dependent claim is also rejected for the similar rationale given for claim 29

With respect to claim 17, Hirasawa teaches, the event is a transmission of data from at least one of the plurality of information destination devices to the information transmission device (col. 9, lines 13-27).

With respect to claim 18, Hirasawa teaches, the plural items of pre-stored information is information indicative of a current situation of a facility which contains plural parts and performs a predetermined process and wherein one of the plurality of information destination devices to which one of the plural items of pre-stored information is transmitted is a controller which uses one of the plural items of pre-stored information transmitted to control the predetermined process of the facility (col. 8, lines 43-47, col. 9, lines 41-67, col. 10, lines 57-67, fig. 2 (21), fig. 3, fig. 4, and fig. 9).

With respect to claim 19, Hirasawa teaches, means for deciding whether the event detected relates to the information handled by at least one information processing device and the transmission means, when the event is judged as relating to the information, transmitting the information identified by the identified data (col. 6, lines 66-col. 7, line 36).

With respect to claim 22, Hirasawa teaches, the event is a transmission of information via the transmission media from at least one of the plurality of information destination devices to the information transmission device and wherein the transmitting step includes a step of transmitting information associated with one of the plural items of information to be transmitted (col. 4, lines 50-67).

With respect to claim 23, this dependent claim is rejected for the similar rationale as given above for claim 14.

With respect to claim 27, this dependent claim is rejected for the similar rationale as given above for claim 18.

With respect to claim 30, Hirasawa did not expressly disclose the event elapses at predetermined time intervals. However, it would have been inherent to Hirasawa's system because it is well-known in the communications art that the transmission of data

and messages in a communications have elapses at predetermined time intervals to prevent the system from becoming overloaded and having a system failure.

With respect to claim 31, this independent claim is rejected for the similar rationale given for claims 11, 20, and 29.

With respect to claim 32, this dependent claim is rejected or the similar rationale given for claims 29 and 31.

With respect to claim 33, this independent claim is also rejected for the similar rational given for claims 11, 20, 29, and 31.

With respect to claim 34, this dependent claim is rejected for the similar rationale given for claim 31.

With respect to claim 35, this independent claim is rejected for the similar rationale given for claims 11, 20, 29, 31 and 33.

With respect to claim 36, this dependent is rejected for the similar rationale given for claims 31 and 32.

With respect to claim 37, this dependent is rejected for the similar rationale given for claim 27.

With respect to claim 38, this dependent claim is rejected for the similar rationale given for claim 30.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure.

Weinberger et al (US 6,009,284) disclosed detecting an event and a controller.

### **Inquiries**

Art Unit: 3624

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 703-308-7064. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1038. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



E. Colbert  
December 18, 2004